

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



April 24, 2003

Regulation Packages #1202-31 and 1201-23

CDSS MANUAL LETTER NO. EAS-03-04

TO: HOLDERS OF THE EAS MANUAL, DIVISIONS 40, 42, 44, and 89

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/Eligibilit_617.htm.

Regulations Package #1202-31**Effective 3/31/03****Sections 44-315 and 89-201**

These regulations implement and make specific changes to the CalWORKs program and the treatment of income of senior parent(s) in senior parent/minor parent cases. The new rule eliminates the provision wherein income of the senior parent(s) is not available to their minor parent's child(ren). Under the new rule, the income of the senior parent(s) will be considered available to meet the needs of the minor parent's child(ren) in accordance with regular CalWORKs budgeting and income rules.

These regulations were adopted on an emergency basis effective March 31, 2003 and will be considered at the Department's public hearing to be held on May 21, 2003.

Regulations Package #1201-23**Effective 4/9/03****Sections 40-107, 42-302, and 42-352**

These regulations establish the process by which CalWORKs recipients can claim exemptions to the statutorily mandated 60-month time limit on the receipt of CalWORKs cash aid by adults, with specific exceptions. These regulations require counties to inform recipients of their remaining time on aid at specific intervals, and upon request. These regulations ensure that CalWORKs recipients are informed of their rights and responsibilities under time limit requirements, consistent with general informing in Manual of Policy and Procedures Section 40-173. These regulations allow time limit requirements to be applied consistently statewide. Previous regulations do not specify how safety net benefits are calculated. These regulations specify how safety net aid will be calculated when the sixty-month time limit is reached.

These regulations were adopted and became effective April 9, 2003 and were considered at the Department's public hearings held on April 17, 2002.

FILING INSTRUCTIONS

Revisions to all manuals are shown in graphic screen. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing EAS changes was EAS-03-03.

Page(s)

58 through 58.1b
188 through 193.3
481 and 482
489 and 490
507 and 508
511 and 512
954 through 956

Replace(s)

Pages 58 and 58.1
Pages 188 through 193.2
Pages 481 and 482
Pages 489 and 490
Pages 507 and 508
Pages 511 and 512
Pages 954 through 957.4

Attachments

JP

40-107	COUNTY RESPONSIBILITY (Continued)	40-107
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- .112 The county shall notify the applicant or recipient that upon request of the custodial parent, the county department shall provide information to that custodial parent on the amount of child and spousal support paid to the county by the absent parent. (See Section 43-201.3.)
- .12 All forms pertaining to .11 and .111 above shall be available for the applicant to complete at the initial interview when the CA 2.1 is completed, but need not be completed prior to granting emergency aid.
- .13 The applicant shall be informed of the availability of reduced income supplemental payments and of the necessity that an assistance unit request the payments in order for them to be provided.

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(See Section 44-400 regarding reduced income supplemental payments.)

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- .14 The CWD shall provide the individual, in writing and orally as necessary, a description of the 60-month time limit requirements, including the exemptions from the time limit, as provided in Sections 42-302.11 and 42-302.21 and the process by which recipients can claim the exemptions, as provided in MPP Section 42-302.3. The description of the 60-month time limit requirements shall be provided at the time an individual applies for aid, at the time a recipient's eligibility for aid is redetermined, and any other time a notice of action establishing time on aid pursuant to this section is provided. In addition, counties are required to provide information on the number of months an applicant, recipient, or former recipient received aid as follows:
 - .141 The applicant shall be informed, by notice of action, at the time that eligibility for aid is authorized, if the applicant received aid in California or any other state(s) on or after January 1, 1998. The notice shall include:
 - (a) The number of months the individual received aid as reported on the most recent notice of action, if any.
 - (b) The cumulative number of countable months that the individual received aid and the specific exempt months since the last notice of action, or the beginning of aid if there has been no prior notice of action.

40-107	COUNTY RESPONSIBILITY (Continued)	40-107
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- (c) The remaining number of months that the individual may be eligible to receive aid. (See MPP Section 42-302.2 for definition of countable months.)
- .142 The recipient shall be informed, by a notice of action, at redetermination of aid. The notice shall include information as required in MPP Section 40-107.141.
 - (a) Repealed by Manual Letter No. EAS-03-04, effective 4/9/03.
 - (b) Repealed by Manual Letter No. EAS-03-04, effective 4/9/03.
 - (c) Repealed by Manual Letter No. EAS-03-04, effective 4/9/03.
- .143 The recipient shall be informed, in writing, at the 54th countable month on aid by using one of the following two methods:
 - (a) A notice of action which meets the requirements in MPP Section 42-107.142.
 - (b) A notice that informs the recipient of the cumulative number of countable months that the recipient received aid and the remaining number of months that the recipient may be eligible to receive aid. (See MPP Section 42-302.2 for definition of countable months.)
- .144 Each recipient shall be informed by a notice of action provided in one month during the period of the recipient's 54th through 58th countable months on aid.
 - (a) A notice of action pursuant to MPP Section 40-107.141, .142, or .143(a) satisfies this requirement.
 - (b) Once the notice of action required in MPP Section 40-107.144 is sent, no further notice of action, pursuant to MPP Sections 40-107.141 through .144, shall be required until a total of six exempt months have passed.
- .145 No notice pursuant to MPP Sections 40-107.141 through .146 need be sent under the following circumstances:
 - (a) Within 3 calendar months from a previous notice of action, pursuant to MPP Sections 40-107.141 through 40-107.144, was provided.
 - (b) Once the exemption for individuals who are 60 years of age or older, as provided in MPP Section 40-302.21(e), is established.

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- .146 Upon a verbal or written request for time limit information, a current or former recipient shall be informed, in writing, within 30 calendar days from the date of receipt of the request. The county shall document the request and provide the recipient with a written notice that will include:
- (a) The cumulative number of countable months that the recipient received aid,
 - (b) The specific months that were exempt from the 60-month time limit since the most recent notification (pursuant to MPP Sections 40-107.141, 40-107.142, 40-107.143(a) or 40-107.144),
 - (c) The remaining number of months that the recipient may be eligible to receive aid.
- .147 The recipient shall be informed by a notice of action at the 60th countable month on aid. The notice shall include:
- (a) Information in accordance with Section 40-107.141.
 - (b) Notification of the reduction in the grant amount due to the expiration of the CalWORKs 60-month time limit or notification that the recipient will continue to receive aid beyond the 60-month time limit based upon the criteria for exceptions as provided in MPP Section 42-302.11.
- .148 After the 60-month time limit notice of action, an adult who has reached the CalWORKs 60-month time limit and whose children remain on aid, shall be informed by notice of action pursuant to MPP Section 40-107.142 when child support or overpayment recoupment reimburses any month(s) on aid. (See MPP Section 42-302.21(g) for reimbursement of aid through child support recoupment and MPP Section 42-302.2 for overpayment months that are repaid.)
- .149 After the 60-month time limit notice of action, an adult who has reached the CalWORKs 60-month time limit and whose children are no longer aided, shall be informed pursuant to MPP Sections 40-107.141 and .146.

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- .15 When a former CalWORKs recipient applies for aid in another state and the other state requests information on the number of months of assistance provided by Temporary Assistance for Needy Families (TANF) funds, the county where the aid was last received shall promptly respond to the other state's request in writing.
- .151 The county shall also send a notice of action to the former CalWORKs recipient at her/his new address in the other state. The notice of action shall include information on the number of months of TANF-funded assistance that was provided to the other state.

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- .152 Months of assistance provided by TANF funds shall be reported to the other state. Assistance provided by the California state-only programs, the Separate State Program for Two-Parent Families and the Segregated State Program for Legal Immigrants is not subject to the Federal TANF 60-month time limit. Individuals who received aid provided by the state-only programs do not accrue months of assistance toward the federal TANF 60-month time limit and therefore, the months of aid shall not be reported to the other state.
- .153 Months that are exempt from the federal TANF 60-month time limit and months that are excluded from the federal definition of assistance and the federal regulations shall not be included in the cumulative number of months of assistance that is reported to the other state.

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CHAPTER 42-300 GENERAL TIME LIMIT REQUIREMENTS

42-301 GENERAL TIME LIMIT REQUIREMENTS FOR ADULTS 42-301

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| .1 | Time Limits | Effective January 1, 1998, there shall be time limits on the receipt of aid for certain adults as specified in Section 42-302.1. Prior to this date, no months shall count toward the time limit provisions. |
| .2 | Ineligible Due to Time Limits | Adults who are ineligible for aid based on the 60-month time limit provisions, specified in Section 42-302, shall be removed from the AU. See MPP Sections 44-133.8 and 82-833.1 for additional regulations pertaining to timed-out adults. |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11450 and 11454(a), (b), and (c), Welfare and Institutions Code.

42-302 60-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS 42-302

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| .1 | 60-Month Time Limit | Except as specified in Section 42-302.11, no individual shall be eligible for aid when that individual has received aid as an adult, 18 years of age or older, for a cumulative total of 60 months. The 60-month time limit applies both to aid received under CalWORKs and under another state's program funded by the federal Temporary Assistance to Needy Families (TANF) Program. The 60-month time limit shall not apply to children. |
| .11 | Exceptions | When an individual has been aided as an adult for 60 months, additional months of aid may be provided to that adult when all parents, aided stepparents, and/or caretaker relatives residing in the home of the aided child(ren) meet any of the following conditions: |
| | .111 Advanced Age | The individual is 60 years of age or older. |
| | .112 Providing Care | The individual is exempt from welfare-to-work participation requirements due to: |

42-302	60-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS (Continued)	42-302
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(a) The need to care for an ill or incapacitated person residing in the home, and the caretaking responsibilities impair the individual's ability to be regularly employed or to participate in welfare-to-work activities.

(b) Being a nonparent caretaker of either a dependent child of the court, a Kin-GAP child, or, as determined by the county, a child who is at risk of placement in foster care. For this exemption to apply, the county must also determine that the caretaking responsibilities are beyond those considered normal day-to-day parenting responsibilities so that they impair the individual's ability to be regularly employed or to participate in the welfare-to-work activities.

.113 Disabled The individual is receiving benefits from State Disability Insurance, Worker's Compensation Temporary Disability Insurance, In-Home Supportive Services, or the State Supplementary Program, and the disability significantly impairs his/her ability to be employed on a regular basis or to participate in welfare-to-work activities.

.114 Unable to Maintain Employment or Participate The county determines that the individual is not able to maintain employment or to participate in welfare-to-work activities, based on a current assessment of the individual as specified in MPP Section 42-302.114(b), and the county's finding that the individual has a history of participation and full cooperation in welfare-to-work activities.

(a) An individual shall be found to have a history of participation and full cooperation in welfare-to-work activities if the individual meets the criteria in Section 42-302.114(a)(1) or (a)(2):

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(Continued)

- (1) The recipient has not failed to meet satisfactory participation, attendance, and progress requirements, without good cause, as evidenced by the absence of an instance or instances of noncompliance that resulted in a welfare-to-work financial sanction during the time an individual was a mandatory welfare-to-work participant.
- (A) For purposes of this section, a sanction received while the individual was a volunteer in the CalWORKs welfare-to-work program pursuant to MPP Sections 42-712.51 or 42-712.52, or an aid recipient in another state shall not be considered a welfare-to-work sanction.
- (2) The recipient has an instance or instances of noncompliance that resulted in a welfare-to-work sanction or sanctions; however, the individual has also maintained a sustained period or periods of welfare-to-work participation despite the presence of an impairment or combination of impairments, as determined pursuant to MPP Sections 42-711.56, 42-711.57, or 42-711.58, including domestic abuse, as determined pursuant to MPP Section 42-715.
- (A) For purposes of this section, six months, or two or more periods of welfare-to-work participation within a consecutive 24-month period, including participation in orientation/appraisal, job search, assessment/evaluations, and post-assessment activities, that total six-months or more shall be considered a sustained period.
- (B) For purposes of this section, an impairment is one not so severe that it meets the welfare-to-work exemption or waiver requirements in MPP Sections 42-712.44 or 42-715, respectively, but nevertheless limits an individual's ability to perform the physical and/or mental functions necessary to maintain employment or participate in welfare-to-work activities.

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(Continued)

(b) Upon the county's determination that the individual has a history of participation and full cooperation in welfare-to-work, the county shall assess the individual's current ability to maintain employment or participate in welfare-to-work activities.

(1) For purposes of this section, an individual who is fully participating in her/his welfare-to-work assignment upon reaching the 60-month time limit shall be considered able to maintain employment or participation unless the individual's required welfare-to-work activity has been modified in accordance with MPP Section 42-302.114(b)(2)(B).

(A) For purposes of this section an individual is fully participating if she/he is meeting their 32 or 35 hours of participation requirement or successfully participating in unsubsidized employment and/or other welfare-to-work activities for the number of hours an appropriate activity is reasonably available.

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Example of an individual who is able to maintain employment and is participating for less than the required 32 or 35 hours per week: Due to a business slowdown, a recipient, who has received 58 countable months of aid, had her hours of unsubsidized employment reduced from 35 hours to 20 hours per week. The recipient has reached her 24-month time limit and must participate in community service. However, an appropriate community service placement does not become available before the recipient, whose job as a Retail Clothing Sales Clerk is consistent with her Welfare-to-Work participation and employment goal, reaches her 60-month time limit. Although the recipient is not participating for the required number of hours, she is not subject to a sanction and is considered able to maintain employment.

Example of an individual who may be considered incapable of work and is participating for the required 32 or 35 hours per week through a modification of her/his welfare-to-work activities:

A recipient has a documented physical impairment, chronic back pain following surgical treatment for a back injury, and history of substance abuse. Upon reaching her 60-month time limit, the recipient's welfare-to-work participation consists of substance abuse treatment, pain management classes, and community service as a clerical assistant.

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(2)

The county's determination that an individual is incapable of maintaining employment or participating in welfare-to-work activities shall be based upon, but not limited to, any of the following criteria:

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- (A) The individual has a documented impairment or combination of impairments, as specified in MPP Section 42-302.114(a)(2), that is of such severity that the individual is incapable of successfully maintaining employment or participation in welfare-to-work activities for 20 or more hours per week.
- (B) The individual has a documented impairment as specified in MPP Section 42-302.114(a)(2), and is maintaining her/his participation in welfare-to-work activities only through a significant modification of the individual's welfare-to-work activities.
1. For purposes of this section, a significant modification includes but is not limited to: mental health counseling; substance abuse treatment; domestic abuse services; a supported work environment, which is characterized by close supervision, graduated performance expectations, and peer support; or additional time to complete an activity.
- (C) The individual has a documented impairment or combination of impairments, as specified in MPP Section 42-302.114(a)(2), and due to local labor market conditions there is a lack of employers that could reasonably accommodate the individual's physical and/or mental limitations.

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(c)

Individuals that are determined to be incapable of maintaining employment shall have their condition reviewed at least once every 12 months, unless the disabling condition or conditions is expected to improve at an earlier date. For individuals with a learning disability, which was documented pursuant to MPP Section 42-711.58, the county shall review the individual's employment status and the impact of any newly-developed coping skills, strategies, and accommodations on the individual's ability to maintain employment, ability to cope with his/her impairment and shall not require a reevaluation of the learning disability.

.115 Unaided

The individual is excluded from the AU for reasons other than exceeding the time limit.

.12 Domestic Abuse

When an individual has been aided as an adult for 60 months, aid may continue for that adult when the individual is a victim of domestic abuse and the county has determined that good cause exists for waiving the 60-month time limit. See Section 42-713.22.

.2 Counting the 60-Month Limit

Any month or partial month in which an adult is included in an AU that receives a cash grant, including Reduced Income Supplemental Payments (Section 44-400) and Special Needs, (Section 44-211), shall count for the purposes of the 60-month time limit, except as provided in Sections 42-302.21 (Exempt Months) and 42-302.22 (Diversion Count).

Any overpayment month, (an entire month of aid in which the recipient was not entitled to cash aid), that is fully repaid shall not count for the purposes of the 60-month time limit.

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| .21 | Exempt Months | Any month in which any of the following conditions exist for any period during the month shall not count toward the 60-month limit as specified: |
| | (a) Disability | The individual is exempt from welfare-to-work participation requirements due to a verified disability that is expected to last at least 30 days. |
| | (b) Providing Care | The individual is exempt from welfare-to-work participation requirements due to: |
| | (1) | The need to care for an ill or incapacitated person residing in the home, and the caretaking responsibilities impair the individual's ability to be regularly employed or to participate in welfare-to-work activities. |
| | (2) | Being the nonparent caretaker of either a dependent child of the court, a Kin-GAP child, or, as determined by the county, a child who is at risk of placement in foster care. For this exemption to apply, the county must also determine that the caretaking responsibilities are beyond those considered normal day-to-day parenting responsibilities so that they impair the individual's ability to be regularly employed or to participate in the welfare-to-work activities. |
| | (c) Domestic Abuse | The individual is a victim of domestic abuse and the county has determined that good cause exists for waiving the 60-month time limit. See Section 42-713.22. |

42-302	60-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS (Continued)	42-302
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| (d) | Teen Program | The individual is eligible for, participating in, or exempt from Cal-Learn or another teen parent program approved by the CDSS. The exemption does not apply to an individual who is 19 years of age and is eligible for voluntary participation if the individual chooses not to participate in Cal-Learn. |
| (e) | Advanced Age | The individual is exempt from welfare-to-work participation requirements due to being 60 years of age or older. |
| (f) | Unaided | The individual is excluded from the AU for reasons other than exceeding the time limit. |
| (g) | Aid is Reimbursed | The cash aid is fully reimbursed as a result of child support collection whether collected in that month or any subsequent month. |
| (1) | Process for Reimbursement of Months of Aid for Exemption | All assigned child support payments, including collections in a current month, arrears, and lump sum payments collected to reimburse aid in California from January 1998 forward, shall be applied cumulatively to repay aid payments in the following order: |
| | (A) | The cumulative child support recoupment will be applied to each month of aid beginning with the earliest unreimbursed month of aid, on or after January 1998, and moving forward as each month of aid is fully reimbursed. |

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- (B) Recoupment, as provided by the local child support agency, is all child support that has been assigned and collected to repay aid. Beginning October 1998, this includes the disregard payments pursuant to MPP Section 12-425(c)(1)(B).
- (C) Each month of aid that is fully reimbursed by child support shall be exempt and not counted toward the CalWORKs 60-month time limit of parents, aided stepparents, and/or aided caretaker relatives residing in the home of the child(ren.)
- (D) The child support recoupment shall be applied to all months of aid whether or not the month had been previously exempted for any reason, including any month(s) exempt because the individual was unaided for any reason, including a sanction.
- (E) The child support recoupment will be reviewed to determine if the cumulative amount is sufficient to reimburse and exempt a monthly grant amount. Any child support that remains but is insufficient to fully reimburse a monthly grant, whether collected in the current month or for a previous period of time, shall be carried forward and used for any subsequent unreimbursed month(s) of aid.
- (F) The recipient shall be informed of the exempt months due to child support recoupment pursuant to MPP Sections 40-107.141 through .149.
- (G) Information regarding the balance of child support recoupment and the number of months exempt due to the child support recoupment must be reported to any subsequent county(ies) to continue reimbursement of the subsequent months of aid.

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| (h) | Living in Indian Country | The individual lived in Indian country, as defined by federal law, or an Alaskan native village, in which at least 50 percent of the adults living in the Indian country or in the village are not employed. |
| (1) | | Counties shall obtain the required information on unemployment rates through the governing body of each tribal land. |
| (i) | Receiving Supportive Services | The individual is a former recipient of cash aid and is only receiving child care, case management or supportive services. |
| (j) | Grant Amounts Less Than \$10 | The recipient does not receive a cash aid payment for the month because the grant amount is less than \$10. |
| .22 | Diversion Count | Diversion payments as set forth in Section 81-215 count toward the 60-month time limit unless they are recouped as provided in Section 42-302.223(a) or unless part or all of the diversion period is exempt as provided in Section 42-302.21 et seq. Count the months as follows: |
| .221 | Diversion Payment Month | The month in which a lump sum diversion payment is made counts as one month toward the 60-month time limit unless the diversion recipient applies for CalWORKs cash aid during the diversion period, as specified in Section 81-215.41, and is determined to be eligible for CalWORKs. In that case, the diversion payment is treated in accordance with Section 42-302.223. |

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- .224 A recipient with a Region 2, Non-Exempt MAP of \$538 received a lump sum diversion payment in the amount of \$1,800 in March. The recipient returns to the county in May (within the diversion period), is determined eligible for CalWORKs cash aid, and opts not to have the \$1,800 diversion payment recouped from the CalWORKs cash aid. The diversion payment equates to 3.3 months of aid. The partial month is dropped, and the recipient has a total of three months (March, April, and May) counted toward the 60-month time limit.
- .225 A recipient with a Region 2, Non-Exempt MAP of \$538 receives a diversion lump sum payment of \$100 on March 2. The recipient reapplies for CalWORKs cash aid in the same month and is determined eligible. The month of March counts as one month toward the 60-month limit because the recipient received CalWORKs aid.

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42-302	60-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS	42-302
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| .3 | Requesting Exemptions/Exceptions | An applicant or a recipient can request an exemption/exception verbally or in writing. When a recipient states that s/he meets a condition that qualifies as an exemption to the 18- or 24- and/or 60-month time limit, as specified in MPP Sections 42-712 and 42-302.21 or an exception to the 60-month time limit as specified in 42-302.11, the county shall document the request and provide the recipient with an exemption/exception request form, if necessary to complete the request. |
| | (a) | A completed exemption/exception request by the applicant/recipient can be a verbal request if all required information to make a determination on the request is available to the county. |
| | (b) | Exemptions/exceptions that do not require a written request include, but are not limited to, 60 years of age or older, aid reimbursed by child support collected, grant amounts less than \$10, and receiving only supportive services. |
| .31 | Exemption/ Exception Request Form | The form to request an exemption or exception shall include, but is not limited to, the following: |
| | (a) | A description of the exemptions to the CalWORKs 18- or 24-month time limit, provided in MPP Section 42-712, the 60-month time limit, provided in MPP Section 42-302.21, and a description of the 60-month time limit exceptions, provided in MPP Section 42-302.11. |

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| | (b) | A statement that the individual may need to provide documentation to substantiate some exemptions/exceptions. |
| | (c) | A statement of exemptions from the time limit that do not require a written request. |
| | (d) | A statement that the individual will be informed, in writing, whether the exemption/exception is granted or not and the reason if the exemption/exception is denied. |
| | (e) | A statement that the individual may request a State hearing to appeal a denial of an exemption/exception request. |
| .32 | Exemption/Exception Determination | The county shall inform the individual, in writing, of the exemption/exception determination no later than 15 calendar days from the date of completed request for an exemption/exception pursuant to Section 42-302.3. The specified response time may be exceeded in situations where completion of the determination is delayed because of circumstances beyond the control of the county, in which instances the case record must specify the cause for delay. These instances include: |
| | (a) | Inability on the part of the recipient to provide the necessary verification. |
| | (b) | Delay on the part of an examining physician to provide the necessary information. |
| .33 | Documentation of Exemption/Exception | The county shall first research all available and relevant case records before requesting additional verification from the recipient. Pursuant to MPP Section 40-107.1, the county shall assist the applicant/recipient in obtaining the necessary records to verify the exemption/exception. |

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| .34 | Determination Notice | The notice of action approving or denying a request for an exemption or exception shall state whether the request was granted or denied and if denied, the reason for the denial. |
| | (a) | Repealed by Manual Letter No. EAS-03-04, effective 4/9/03. |
| | (b) | Repealed by Manual Letter No. EAS-03-04, effective 4/9/03. |
| | (c) | Repealed by Manual Letter No. EAS-03-04, effective 4/9/03. |

NOTE: Authority cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code. Reference: Sections 11266.5, 11454, 11454(e) and (e)(5), 11454.5, 11454.5(b) and (b)(4) and (5), and 11495.1, Welfare and Institutions Code, and 42 U.S.C. 608(a)(7)(a), (B) and (D).

44-315	AMOUNT OF AID (Continued)	44-315
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REGION 1 COUNTIES

REGION 2 COUNTIES

Alameda	Orange	Santa Clara	Alpine	Lake	San Bernardino
Contra Costa	San Diego	Santa Cruz	Amador	Lassen	San Joaquin
Los Angeles	San Francisco	Solano	Butte	Madera	Shasta
Marin	San Luis Obispo	Sonoma	Calaveras	Mariposa	Sierra
Monterey	San Mateo	Ventura	Colusa	Mendocino	Siskiyou
Napa	Santa Barbara		Del Norte	Merced	Stanislaus
			El Dorado	Modoc	Sutter
			Fresno	Mono	Tehama
			Glenn	Nevada	Trinity
			Humboldt	Placer	Tulare
			Imperial	Plumas	Tuolumne
			Inyo	Riverside	Yolo
			Kern	Sacramento	Yuba
			Kings	San Benito	

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.32 Add Special
Need Payment

Add any special need payment amounts for the family to the MAP.

44-315	AMOUNT OF AID (Continued)	44-315
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| .33 | Net Nonexempt Income | Round to the next lower dollar the net nonexempt income from the budget month including in-kind income. |
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(See Chapter 44-100 for computing net nonexempt income.)

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|-----|---------------------------|---|
| .34 | Potential Grant | Subtract the net nonexempt income amount from the MAP plus special need for the family. This is the potential grant amount. |
| .35 | AU MAP | Determine the Maximum Aid Payment (MAP) for the AU only. The MAP is set forth in Welfare and Institutions Code Section 11450. |
| .36 | Add Special Need Payments | Add any special need payments for the AU only to the MAP. |
| .37 | Actual Grant Amount | The actual grant amount is the lesser of the potential grant amount or the sum of the MAP plus special needs for the AU only. |

44-315	AMOUNT OF AID (Continued)	44-315
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Day of the month	28-day Month	29-day Month	30-day Month	31-day Month	Day of the month
26th	.1071	.1379	.1667	.1935	26th
27th	.0714	.1034	.1333	.1613	27th
28th	.0357	.0690	.1	.1290	28th
29th		.0345	.0667	.0968	29th
30th			.0333	.0645	30th
31st				.0323	31st

EXAMPLE: The total monthly grant amount is \$150 (see Section 44-315.43). Aid is to begin on the 17th of March, and March has 31 days. The reciprocal for the 17th day of a 31-day month is .4839. The total monthly grant amount X the reciprocal = the prorated grant amount ($\$150 \times .4839 = \72.5850). \$72.5850 is rounded to \$72 which is the amount of the payment (see Section 44-315.432 if the amount of the payment is less than ten dollars).

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.8 Suspension

.81

The county shall suspend, not discontinue, aid in the payment month when income or other circumstances in the corresponding budget month appear to result in ineligibility for only one payment month. The recipient need not reapply for aid for the month following the suspension, however, the recipient is required to complete a monthly report for the month of suspension. If it appears that the income or other circumstances from the budget month will result in ineligibility for more than one payment month, aid is discontinued.

.82

Aid payments for the month following a suspension shall be computed using prior month budgeting if the family's circumstances have not changed significantly from the corresponding budget period.

.83

Aid payments for the two months following a suspension shall be computed using concurrent budgeting if the family's circumstances have changed significantly from the corresponding budget period, e.g., loss of a job (see Section 44-313.123).

44-315	AMOUNT OF AID (Continued)	44-315
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.9 Zero Basic Grant

.91 An AU is considered to have received a cash aid payment even when:

.911 The payment is not sent due to penalty which reduced the payment to zero, or

.912 The grant amount is \$10 or less. See Section 44-315.5 regarding grants \$10 or less, or

.913 The grant for the AU is reduced to zero to adjust for a prior overpayment, or

.914 The grant based on On-The-Job Training is diverted to the employer as a wage subsidy to offset the participant's wages. See Section 42-701.2(g)(2).

NOTE: Authority cited: Sections 10553, 10554, 11209, 11450, 11450(g), 11450.018(a) and (b), 11452.018(a), and 11453, Welfare and Institutions Code. Reference: Sections 10553, 10554, 11004 (Ch. 270, Stats. 1997), 11017, 11209, 11253.5(d) and (e) (Ch. 270, Stats. 1997), 11254, 11265.8(a) (Ch. 270, Stats. 1997), 11323.4 (Ch. 270, Stats. 1997), 11450, 11450(g), 11450.01, 11450.015, 11450.018(a) and (b), 11451.018(a), 11450.03, 11451.5 (Ch. 270, Stats. 1997), 11452, 11453, and 11453(a) (Ch. 329, Stats. 1998), Welfare and Institutions Code.

44-316	REPORTING CHANGES AFFECTING ELIGIBILITY AND GRANT DETERMINATIONS	44-316
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.1 Required Reporting of All Changes Affecting Eligibility and Grant Determination

.11 All recipients are required to promptly report to the county any changes in eligibility or grant determination factors.

.12 Additionally, prior to the end of each budget period, the county shall request updated information from recipient families concerning all changes affecting eligibility and grant in that budget period or expected changes in subsequent budget periods.

For all CalWORKs recipients, such information shall be reported on the CA 7. If the recipient fails to provide the report requested by the county by the deadline provided by Section 40-181.22, then the recipient's grant will be terminated in accordance with Confidentiality, Fraud, Civil Rights, and State Hearings Manual Section 22-072. Though the CA 7 is not applicable to AFDC-FC, every effort shall be made by the county to insure that foster parents and children are aware of the necessity to report any change in need or income for the child.

44-351	METHODS OF OVERPAYMENT RECOVERY (Continued)	44-351
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- .112 The recipient is not required to fulfill any voluntary agreement he/she enters into and may suspend at any time payments he or she has agreed to make.

- .2 Voluntary Grant Offset

Voluntary grant offset should be explained by the county to those recipients who have available income and resources when the overpayment could not be recovered in the appropriate adjustment period. However, no request may be made for voluntary repayment.

- .21 If the recipient offers to repay the remaining overpayment by foregoing all or a portion of a grant to which he or she is eligible, the following apply:

- .211 The county shall obtain in writing an agreement to repay. Such agreement shall clearly indicate to the individual that repayment is voluntary.

- .212 The recipient is not required to fulfill any agreement he/she enters into and may request payment of the full grant to which he/she is eligible at any time.

- .3 Balancing

When an assistance unit has both an overpayment and an underpayment, the county shall offset one against the other.

44-352	OVERPAYMENT RECOUPMENT	44-352
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- .1 Calculation of the Overpayment

When it is determined that an overpayment exists, calculate the amount of the overpayment and determine the appropriate methods of recovery.

- .11 Overpayment due to "excess property"

- When a recipient has held property in excess of eligibility limits, the overpayment shall be calculated as follows:

- .111 Determine the period of time in which the recipient held property exceeding the property maximums.

44-352	OVERPAYMENT RECOUPMENT (Continued)	44-352
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- (a) For the purposes of this section, the period that the recipient held excess property includes all months in which the total property value of the same items of property exceeds limits on the first day of the month, even though there may be intervening months in which the total property value is below limits. Fluctuations in the value of individual items of property shall not affect the determination of the period of time that the recipient held excess property, so long as the same items of property are included in the total property valuation. If the recipient disposes of an item of property or acquires an item of property, a new period begins and separate calculation is required.
- .112 Determine the month within the period in which the property value, on the first day of the month, was the highest and calculate the amount by which the property exceeded the eligibility limit.
- .113 Calculate the total amount of aid actually paid to the recipient during the months excess property was held, subtracting any money, excluding child support recoupment, received by the county which was credited against the aid payment for those months.
- .114 Determine whether the recipient received aid in "good faith". The determination of "good faith" receipt of aid shall be based on a preponderance of evidence establishing that the recipient believed himself/herself to be eligible to the aid received. The county shall consider information in the case record and all other available information, including an interview with the recipient if he/she is available and willing to cooperate. The determination of "good faith" receipt of aid shall be reasonable, objective, and drawn from all available information.
- (a) The county shall not determine that a recipient has received aid in "good faith" in cases where the county has informed the recipient of his/her reporting responsibilities and, under the circumstances, the recipient knew of his/her reporting responsibilities and failed to report within his/ her competence. See Section 40-105.

44-352	OVERPAYMENT RECOUPMENT (Continued)	44-352
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- b. If the overpayment occurred prior to January 1, 1998, and if the overpayment is due to any earned income that the recipient failed, without good cause, to report timely, no earned income disregards shall be allowed for that individual in that month.

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Earned income disregards in effect prior to January 1, 1998 were: 1) \$90 standard work expense disregard, 2) \$30 and 1/3 earned income disregard, 3) extended \$30 income disregard, and 4) child and dependent care disregard (\$200 per month for children under 2 and \$175.00 per month for older children and other dependents).

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- .122 Subtract the correct grant amount from the amount of aid actually paid.
- .123 Subtract any money, excluding child support recoupment, received by the county and credited against the aid payment from the aid actually paid.
- .124 The total overpayment for each month is the lesser of the amount computed in Sections 44-352.122 or .123.
- .125 The total overpayment is the sum of all amounts calculated in Section 44-352.124.

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EXAMPLES

<u>Factors</u>		<u>Computations</u>	
		(.121) Correct <u>Grant</u>	(.122) Potential/Actual <u>Overpayment</u>
1.	Earned Income	\$1,025	
	Reported Income	1,025	
	Income Disregard	<u>- 225</u>	
	Subtotal	800	
	50% Earned Income Disregard	<u>- 400</u>	
	Total Net Nonexempt Income		
	400		
	MAP for Five	\$767	
	Total Net Nonexempt Income	<u>- 400</u>	
	Aid Payment	\$ 367	
	Potential Overpayment (Aid Paid Less Correct Grant)		\$ 767 <u>- 367</u> \$ 400
	Support Payment (.123)	\$100	
	Unreimbursed Grant (Aid Paid Less Support Payment)	\$667	
	Actual Overpayment (Lesser of Unreimbursed Grant or Potential Overpayment)		\$ 400

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89-201	MINOR PARENT REQUIREMENT (Continued)	89-201
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| .5 | Senior Parent Income | In cases where the minor parent lives with his/her parent(s), the income and needs of the senior parent(s) shall be considered. Eligibility and grant amount for senior parent/minor parent cases shall be determined in accordance with Sections 44-133.5, 44-207 and 44-315 as appropriate, based on the specific circumstances of the case. |
| .51 | Senior Parent/Minor Parent Eligibility and Grant Amount | When considering income of the senior parent(s), pursuant to Sections 44-133.5, 44-207 and 44-315, and that income does not result in ineligibility of the minor and his/her child(ren), and: |
| .511 | Minor in Own AU | The minor parent is eligible to be included in his/her own AU (See Section 82-808), or |
| .512 | Eligible Minor in AU of Senior Parent(s) | The minor parent is eligible to be included in the AU of the senior parent(s) (See Section 82-808), then |
| .513 | Grant Amount | The income of the senior parent(s) shall be considered and the actual grant amount calculated pursuant to Section 44-315.3. |

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- (a) Example: Eligible Minor Parent in own AU The persons residing together are the senior parent, her minor daughter (minor parent) and her minor daughter's child. The senior parent is not in the AU. The senior parent earns \$1,025 per month. The minor parent has no income. The family resides in Region 1 and is nonexempt.

The eligibility/grant computation is as follows:

\$1,025	Gross Family Earned Income
- 225	Income Disregard
\$ 800	
- 400	50% Earned Income Disregard
\$ 400	Net Nonexempt Income

\$ 679	MAP for an AU of 3
- 400	Total Net Nonexempt Income
\$ 279	Potential Grant

\$ 548	MAP for an AU of 2
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\$ 279	Actual Grant Amount (lesser of potential grant or AU MAP)
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(b) **Example:** Minor parent lives with both her parents. The senior parents are in the AU with the minor parent and the minor's child. One senior parent earns \$900 per month. The other senior parent earns \$400 per month and receives \$125 in State Disability Insurance benefits. The minor parent has no income. The AU is nonexempt and resides in Region 1.

The eligibility/grant computation is as follows:

\$ 125	Disability-Based Unearned Income
- 225	Income Disregard
-\$ 100	Net Nonexempt Disability-Based Income

\$1,300	Gross Family Earned Income
- 100	Remainder of \$225 Disregard
\$1,200	
- 600	50% Earned Income Disregard
\$ 600	Net Nonexempt Earned Income
+ 0	Other Nonexempt Unearned Income
\$ 600	Total Net Nonexempt Income

\$ 809	MAP for an AU of 4
- 600	Net Nonexempt Income
\$ 209	Grant Amount

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.6 Minor Meets Exemption A minor who does not reside with a senior parent shall have his/her aid payment calculated based on existing income regulations.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11008.14, 11254 (Ch. 1022, Stats. 2002), 11451.5, and 16506(d), Welfare and Institutions Code and 42 USCA 608(a)(5).

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